

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1643.00
COMPLAINT INVESTIGATOR:	John Hill
DATE OF COMPLAINT:	October 19, 2000
DATE OF REPORT:	November 17, 2000
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	December 15, 2000

COMPLAINT ISSUES:

Whether the Valparaiso Community Schools and the Porter County Education Interlocal violated:

- 511 IAC 7-27-5(c) with regard to the school's alleged failure to provide the parent with a copy of the case conference committee (CCC) report and individualized education program (IEP) within ten business days of the August 18, 2000, CCC meeting.
- 511 IAC 7-23-1(f) with regard to the school's alleged failure to provide the parent with access to the student's educational record, specifically the student's school transcript, within 45 days of the date of the parent's request.
- 511 IAC 7-27-1(a)(4) with regard to the school's alleged failure to ensure the parent is fully informed and understands the activity for which consent is being sought in accordance with 511 IAC 7-17-18 when obtaining parental consent, specifically, failing to provide the parent with the entire IEP when asking the parent to provide written consent.

FINDINGS OF FACT:

1. The student is a sixteen-year-old, tenth-grade student who has been determined eligible for special education and related services as a student with an other health impairment ("OHI") and an emotional handicap ("EH").
2. The school states that a copy of the student's CCC report/IEP, dated August 18, 2000, was sent to the student's father seven days after the CCC. The school cannot document that the student's father received the report within 10 business days of the CCC. The student's father states that he has not received a copy of the student's August 18, 2000 CCC report/IEP from the school.
3. The student's mother did verify that she had received a copy of the student's CCC report/IEP dated August 18, 2000, within 10 business days of the CCC. The student's mother and the student's father do not reside in the same household. The student's mother acknowledged that she received a copy of the CCC report/IEP prior to signing the IEP on September 1, 2000.
4. The letter from the complainant to the Interlocal Supervisor dated June 28, 2000, requesting a copy of the student's transcript, was received by the local school on June 30, 2000 and attached to the student's June 21, 2000 CCC report/IEP.
5. The complainant received a copy of the requested student's transcript on November 9, 2000, 131 days after the written request had been received by the school.

6. On September 1, 2000, the parent was asked to sign the student's August 18, 2000 CCC Report/IEP. The school only presented the signature page at the time the signature was requested and did not present the entire CCC report/IEP.

CONCLUSIONS:

1. Finding of Fact #2 reflects that the school cannot document that the complainant received the copy of the CCC report and the IEP within 10 business days of the CCC meeting. Therefore, a violation of 511 IAC 7-27-5(c) is found.
2. Findings of Fact #4 and #5 reflect that the school failed to provide the parent with access to the student's educational record, specifically the student's school transcript, within 45 days of the date of the parent's request. Therefore, violation of 511 IAC 7-23-1(f) is found.
3. Finding of Fact #6 reflects that the school presented only the signature page of the IEP when the student's mother went to the school to sign the IEP. However, Finding of Fact #3 indicates that the student's mother received a copy of the CCC report/IEP prior to going to the school to sign the IEP. Therefore, no violation of 511 IAC 7-27-1(a)(4) is found.

The Department of Education, Division of Special Education requires following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Valparaiso Community Schools and the Porter County Education Interlocal shall:

1. Send a copy of the student's August 18, 2000, CCC report/IEP report including all attachments to the complainant via certified mail by December 1, 2000.
2. In-service all appropriate staff regarding the requirements of 511 IAC 7-23-1(f) and 511 IAC 7-27-1(a)(4). Submit documentation to the Division that the in-service has been completed no later than December 31, 2000. The documentation should include a list or agenda of all issues discussed, any handouts that were distributed and list of attendees by name and title.